

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COLLECTIVE ASSET PARTNERS, LLC,

Plaintiff,

v.

VTRADER PRO LLC and
HERB C. KURLAN,

Defendants.


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CIVIL ACTION NO. H-12-0203

ORDER

This is a breach-of-contract lawsuit. One of the defendants, Herb C. Kurlan, has moved to dismiss the complaint for failure to state a claim. (Docket Entry No. 6). The plaintiff has amended its complaint as a matter of course. *See* FED. R. CIV. P. 12(a)(1)(B). Therefore, Kurlan's motion to dismiss, (Docket Entry No. 6), is denied as moot, without prejudice to filing a motion to dismiss directed to the amended complaint.

SIGNED on May 15, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge